

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,

CASE NO: 1:17CV2635

Plaintiff,

v.

2K GAMES, INC., et al.,

Defendants.

Deposition of JAMES HAYDEN

Cleveland, Ohio

Wednesday, October 30, 2019 - 9:04 a.m.

Reported by:

Angela Nixon, RMR, CRR

Job No.: 26345

1 conclusion.

2 A. I don't know.

3 Q. Well, you can have a position what is -- is it
4 your position that that's okay with you?

5 MR. MCMULLEN: Objection.

6 A. I don't know. I'm not sure.

7 Q. You don't know if that's okay with you?

8 A. I don't know the copyright law in that --

9 Q. I'm -- I'm asking, have you ever objected to an
10 athlete appearing on television being depicted with your
11 tattoos?

12 MR. MCMULLEN: Objection. You can answer.

13 A. In avatar form, yes.

14 Q. What do you mean by in avatar form?

15 A. NBA 2K.

16 Q. NBA 2K doesn't appear on television, right?

17 A. The game has to be played on the television.

18 Q. But it's a game counsel that is played on a
19 television screen, correct?

20 MR. MCMULLEN: Objection.

21 BY MS. CENDALI:

22 Q. Is that what you meant?

23 A. It's a game counsel that produces the image on
24 the television, yes.

25 Q. Right. But you -- but just to be clear, when I

1 was talking about television I wasn't talking about playing
2 a video game on a television screen. My question to you
3 is, is it your position that it -- that when a player
4 appears on television playing basketball in an NBA game, or
5 at a news conference about an NBA game, that they need your
6 permission to be depicted with your tattoos?

7 MR. MCMULLEN: Objection, calls for a legal
8 conclusion.

9 A. In regular life form, no, but in NBA 2K form,
10 avatar form, yes.

11 Q. Okay. So in regular life, if I'm just tuning in
12 a Cavs or Lakers or Raptors game, players that you would
13 have inked playing would not need your permission, is
14 that --

15 MR. MCMULLEN: Objection.

16 A. I don't know.

17 Q. Okay. Have you ever told a player that they
18 needed your permission before appearing on television
19 playing basketball?

20 A. No.

21 Q. Have you ever told the NBA that they needed your
22 permission to depict players on television playing NBA
23 games showing their tattoos?

24 A. No.

25 Q. Have you ever done anything to try to stop that?